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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,024	12/20/2001	Josef Schneider	4100-280	1112

7590 01/30/2004

COHEN, PONTANI, LIEBERMAN & PAVANE

Thomas C. Pontani

Suite 1210

551 Fifth Avenue

New York, NY 10176

EXAMINER

ALANKO, ANITA KAREN

ART UNIT

PAPER NUMBER

1765

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/027,024	SCHNEIDER ET AL.	
	Examiner	Art Unit	
	Anita K Alanko	1765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/10/03 amdt & 12/9/03 election, IDS.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 4-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>12/8/03</u> | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election without traverse of Species A in the paper filed on 12/8/03 is acknowledged. Claims 1-3 and 16-17 read on Species A. Claims 4-15 are withdrawn from consideration.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: explicit basis for new claim 17 is not in the specification.

Claim Objections

Claim 1 is objected to because of the following informalities: the amended phrase on line 8 would be more clear if it cited - - by covering only one of *either* said image points *or* said non-image points - - . Alternatively, Markush group language could be added to the amended phrase: - - one selected from the group consisting of - - . Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The term "polymer material" is new matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bauer (DE 4117127 A1) and Takahashi (5,608,441).

Bauer discloses a method of producing a printing plate (see "Use/Advantage" section of the English abstract) comprising:

providing a thermal transfer film carrying a thermal transfer material D to a surface of a printing plate carrier A;

selectively ablating said thermal transfer material using a laser image-setting unit to selectively apply said thermal transfer material directly to the surface of said printing plate carrier (page 9, lines 30-37), thereby forming a mask directly on said printing plate carrier, said mask defining image points and non-image points directly on said printing plate carrier by covering non-image points D2, and

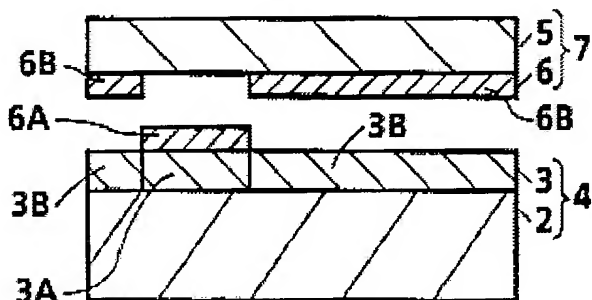
using said mask to produce a printing plate (see "Use/Advantage" section of the English abstract).

Bauer does not explicitly disclose, as best determined by the examiner without an English translation, that the thermal transfer film carrying a thermal transfer material D is in close proximity to a surface of the printing plate carrier.

Takahashi teaches a method of producing a printing plate (col.6, lines 29-35) comprising:

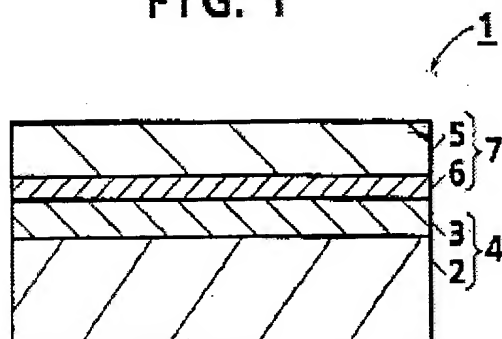
providing a thermal transfer film 5 carrying a thermal transfer material 6 in proximity to a surface of a printing plate carrier 4 (Fig.3);

FIG. 3



selectively ablating said thermal transfer material using a thermal head 8 to selectively apply said thermal transfer material directly to the surface of said printing plate carrier, thereby forming a mask directly on said printing plate carrier, said mask defining image points and non-image points directly on said printing plate carrier by covering non-image points 6A, and using said mask to produce a printing plate.

As a useful alternative to providing a thermal transfer film 5 carrying a thermal transfer material 6 in proximity to a surface of a printing plate carrier 4, Takahashi discloses that it is known to provide the thermal transfer film in contact with the printing plate carrier 4 (Fig.1).

FIG. 1

It would have been obvious to one with ordinary skill in the art to provide the thermal transfer film carrying a thermal transfer material in proximity to a surface of the printing plate carrier as taught by Takahashi in the method of Bauer because Takahashi teaches that they are known, useful alternatives for forming printing plates which are capable of recording high quality images.

As to claim 2, Bauer discloses that the mask is useful for producing gravure printing plates (see "Use/Advantage" section of the English abstract).

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bauer (DE 4117127 A1), Takahashi (5,608,441) and Kesper (DE 19914323 A1).

The discussion of modified Bauer from above is repeated here.

As to claim 3, Bauer discloses to form a gravure printing plate, but does not explicitly disclose to etch. Kesper teaches that it is conventional to etch the printing tool in order to form the final product of a gravure printing plate (page 1, second paragraph of "Description" in English translation). It would have been obvious to one with ordinary skill in the art to etch the gravure printing plate in the modified method of Bauer because Kesper teaches that this is a

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known, useful technique for forming the final product of a gravure printing plate. It would have been further obvious to use an acid for etching because acids are conventional etchants.

Claims 1-2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bauer (DE 4117127 A1), Takahashi (5,608,441) and Dauer et al (US 5,601,022).

The discussion of modified Bauer from above is repeated here.

As to claim 16, Dauer teaches that the mask can be formed in a printing machine and the printing plate is produced by means of said mask in said printing machine (col.5, lines 12-20). It would have been obvious to form the mask in a printing machine and that the printing plate is produced by means of said mask in said printing machine because Dauer teaches that this is useful for forming printing plates by the laser-induced thermal transfer process.

Examiner's Remarks

In claim 1, lines 2-3, examiner interprets "in proximity to a surface" to mean that the film is at a distance from the surface, but not touching the surface. Any other intended significance by the applicant should be explicitly cited.

Response to Arguments

Applicant's arguments, filed 9/10/03, with respect to the rejection(s) of claims 1-17 under Kesper, Yoshimoto, Ruckl and Dauer have been fully considered and are persuasive. Yoshimoto does not suggest to use laser induced thermal transfer since it is unclear what the film 13 wound around element 22 comprises. Therefore, the rejection has been withdrawn. However, upon

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further consideration, a new grounds of rejection is made in view of Bauer (DE 4117127 A1), Takahashi (5,608,441) and Kesper (DE 19914323 A1) and in view of Bauer (DE 4117127 A1), Takahashi (5,608,441) and Dauer et al (US 5,601,022). Bauer and Takahashi are newly cited from the IDS filed 12/8/03.

Conclusion

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 12/8/03 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita K Alanko whose telephone number is 571-272-1458. The examiner can normally be reached on Mon, Tues & Fri: 8:30 am-5 pm; Wed & Thurs: 10 am-2 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Anita K. Alanko

Anita K Alanko
Primary Examiner
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